

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACK REESE, FRANCES ELAINE
PIDDE, JAMES CICHANOFSKY,
ROGER MILLER, and GEORGE
NOWLIN,

Plaintiffs,

v.

CNH INDUSTRIAL N.V. and CNH
INDUSTRIAL AMERICA LLC,

Defendants.

Case 2:04-cv-70592-PJD-PJK

Hon. Patrick J. Duggan, U.S.D.J.

Hon. Paul J. Komives, U.S. Mag. J.

**CNH'S RESPONSE TO PLAINTIFFS'
MOTION TO CORRECT THEIR
DEFICIENT SUMMARY JUDGMENT EXHIBITS**

Because the declarations of Plaintiffs' experts do not add substance to the already closed summary judgment record, CNH does not oppose Plaintiffs' motion.* Of course, Plaintiffs should have provided expert declarations in the first instance, as required by Sixth Circuit law and the Federal Rules of Civil Procedure and Evidence. *See Sigler v. Am. Honda Motor Co.*, 532 F.3d 469, 481 (6th Cir.

* Had they been more diligent in seeking CNH's concurrence, Plaintiffs could have avoided filing a motion. Plaintiffs' counsel left CNH's counsel a voice message at 15:37 on Friday. Thirty-nine minutes later—and before CNH could respond—Plaintiffs filed their motion.

2008) (“[T]he district court improperly considered Honda’s unsworn, hearsay evidence in deciding to grant Honda’s motion for summary judgment.”).

CNH cannot forebear noting that Plaintiffs have raised several nonmeritorious objections to declarations submitted by CNH’s experts, but now concede that they violated the rules in submitting their own expert reports.

Dated: July 2, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2014, I electronically filed the foregoing **CNH's Response to Plaintiffs' Motion To Correct Their Deficient Summary Judgment Exhibits** with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

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